

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-3, 6-8, and 11-14 are pending; no claims are newly added, amended, or canceled herewith.

In the outstanding Office Action, Claims 1-3, 6-8, and 11-14 were rejected under 35 U.S.C. § 103(a) as unpatentable over McGuire et al. (U.S. Pat. No. 6,254,965, hereafter McGuire) in view of Akahori et al. (U.S. Pat. No. 5,310,587, hereafter Akahori) and Asahi (JP 404154573) in view of any of Connor et al. (U.S. Pat. No. 5,366,786, hereafter Connor), Gessner (U.S. Pat. No. 5,593,768), Clark et al. (U.S. Pat. No. 6,723,669, hereafter Clark), and Haynes et al. (U.S. Pat. No. 6,709,623, hereafter Haynes).

Applicants thank Examiner Sperty for the interview granted Applicants' representative on September 23, 2004. During the interview, the outstanding rejection of pending Claims 1-3, 6-8, and 11-14 under 35 U.S.C. § 103 was discussed with regard to the references of record.

At the outset, Applicants' representative noted that Claim 1 recites a kitchen sheet including a base sheet made of a fiber aggregate, the base sheet having a plurality of convex portions giving the kitchen sheet an apparent thickness of 1.0 mm or greater and a compressive recovery of 30% or more.

As described in the specification, if the apparent thickness of the kitchen sheet is smaller than 1.0 mm, the passageways for water vapor formed of concavities connecting with each other are narrow, and the drops of condensation on a kitchen sheet come into direct contact with food.¹ Moreover, as described in the specification, the kitchen sheet of the present invention may be produced by embossing a base sheet comprising a fiber aggregate, preferably hydrophobic fiber non-woven fabric, to form unevenness so as to give an apparent

¹ Specification, page 13, lines 10-15.

thickness of 1.0 mm or greater and a compressive recovery of 30% or more.² Further, since the kitchen sheet has been shaped to have an unevenness so as to have a compressive recovery of 30% or more, the specification describes that when the sheet is used as an underlay for food to be heated in a microwave oven, it allows water vapor exuded from food to pass. As a result, it is possible to prevent the food from swelling with water produced by condensation of water vapor from the food. This is especially useful when cooked preserved food, such as frozen food, is cooked. If the compressive recovery is less than 30%, the sheet undergoes changing shape when held by the hand and does not restore to its original shape.³

The outstanding Office Action does not address any of the claimed features alleged to be shown in McGuire, Akahori, or Asahi. Rather, the outstanding Office Action provides a list of references believed to support the prior assertion of Official Notice. However, as set forth in MPEP § 2143.01, “The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990).

None of the cited references disclose or suggest a kitchen sheet having an apparent thickness of 1.0 mm or greater and a compressive recovery of 30% or more. Moreover, there is no disclosure or suggestion in any of the cited references that such a combination of features would be obvious.⁴ Moreover, it is respectfully submitted that there is no basis in any of McGuire, Akahori, or Asahi to support the applied combination with each other, or with any of Connor, Gessner, Clark, and Haynes. The Office Action does not cite to any teachings in any of the cited references to support the applied combination.

In fact, Applicants note that Connor relates to a garment of durable nonwoven fabric. Gessner relates to nonwoven fabrics and fabric laminates. Clark relates to fine multi-

² Specification, page 13, lines 23-25.

³ Specification, page 11, lines 13-24.

⁴ Applicants note the comment at page 3 of the Office Action that the obviousness of varying the thickness of the McGuire reference has been conceded. However, Applicants do not concede this point.

component fiber webs and laminates thereof, and Haynes relates to a process of an apparatus for making a nonwoven web. As these descriptions indicate, none of Connor, Gessner, Clark, or Haynes is in an analogous field of art. More specifically, none of Connor, Gessner, Clark, or Haynes relates to kitchen sheets or products and techniques advantageous for use with food.

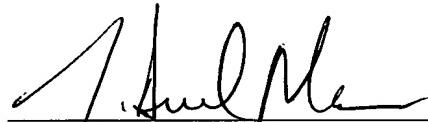
Thus, as none of Connor, Gessner, Clark, or Haynes are in an analogous field of art, it is respectfully submitted that the combination of McGuire, Akahori, and Asahi with any of these references is necessarily the result of hindsight reconstruction. It is therefore respectfully requested that this rejection be withdrawn.

Additionally, Applicants respectfully request acknowledgement of the Information Disclosure Statement (IDS) filed May 18, 2004. A copy of the IDS as filed, including the date stamped filing receipt is included herewith.

Consequently, in view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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